

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PAIGE BARNARD,

Plaintiff,

v.

LIBERTY MUTUAL INSURANCE
CORPORATION, et al.

Defendants.

:
:
:
:
:
:
:
:
:
:

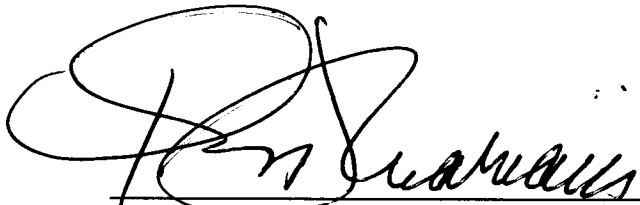
3:18-CV-1218
(JUDGE MARIANI)

ORDER

AND NOW, THIS 12th DAY OF DECEMBER, 2018, upon review of
Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 41) for clear error
or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 41) is **ADOPTED** for the reasons set forth therein.
2. Defendant's Motion to Dismiss Counts I and II of Plaintiff's Amended Complaint
Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. 13) is **GRANTED IN
PART AND DENIED IN PART** as follows:
 - a. Defendant's motion to dismiss Count I is **DENIED**.
 - b. Defendant's motion to dismiss Count II is **GRANTED**. Count II of Plaintiff's
Amended Complaint is **DISMISSED WITHOUT PREJUDICE**.
3. Plaintiff is granted leave to file a Second Amended Complaint within **21 days** of the
date of this Order to address the pleading deficiencies identified in the R&R.

4. This action is **REMANDED** to Magistrate Judge Carlson for further pretrial proceedings in accordance with this Court's November 6, 2018 Order (Doc. 36).



Robert D. Mariani
United States District Judge